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In re Application of Kelley et al. :
Application No. 10/649,211 :
Filing Date: August 27, 2004 :
Attorney Docket No. 860-011447-US :

CHAS
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AUG 29 2006
OFFICE OF PETITIONS
Decision on Petition **COPY MAILED**
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This is a decision in response to the "Petition to Reset Reply Date" filed August 9, 2004.

The petition is **granted** to the extent indicated below.

Facts:

A Notice to File Missing Parts was mailed April 7, 2004. The Notice required the submission of an executed oath/declaration and \$130.

Petitioner has established non-receipt of the original Notice.

On or about August 2, 2004, petitioner checked into the status of the application and discovered the existence of the Notice to File Missing Parts. A copy of the Notice was sent to petitioner by facsimile transmission on August 5, 2004.

The instant petition was filed August 9, 2004 (Certificate of Mailing date of August 6, 2004).

The petition requests the period to reply to the Notice to File Missing Parts be reset to begin as of August 5, 2004.

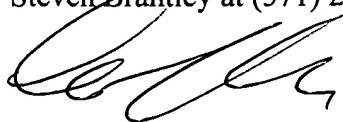
Discussion:

A Notice is invalid unless mailed and received at the address of record. Petitioner has shown the *mailed* Notice was never received. The Notice mailed April 7, 2004, is **vacated and withdrawn**.

The executed declaration and \$130 filed with the petition are timely.

The Office of Initial Patent Examination will be informed of the instant decision and will take steps to prepare the application for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
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